THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.28211 of 1998

DATED 14.03.2007

Between:

U.Pulla Reddy S/o Pattabhi Rami Reddy

... **PETITIONER**

And:

The Mandal Revenue Officer,
Podalakur, Nellore District and others.

... **RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.28211 of 1998

ORDER:

Petitioner challenges the notice, dated 11.09.1998, issued by the first respondent, directing him to pay an amount of Rs.1,00,000/- being the excess amount alleged to have been paid to him vide

Cheque No.663800, towards the work “formation and gravelling the road from Navoorpalli to Althurthi” under Janmabhoomi Programme.

It is the case of the petitioner that he did not enter into any contract with the Government for formation of the road and never received any cheque towards the said work, but surprisingly he was served with notice dated 18.07.1998 directing him to pay the excess amount of Rs.1,00,000/- alleged to have been paid to him towards the said work. The petitioner sent a reply dated 06.08.1998 stating that he never received the said amount and as such, the question of paying the excess amount does not arise. However, without considering the same, the first respondent issued notice dated 11.09.1998 directing the petitioner to pay the said amount within seven days from the date of receipt of a copy of the said notice, failing which the said amount shall be recovered under the Revenue Recovery Act. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

While issuing rule nisi on 09.10.1998, this Court directed the respondents not to proceed further without conducting any enquiry pursuant to the notice, dated 11.09.1998. No counter is filed by the respondents stating as to whether any enquiry was conducted. Therefore, this Court is of the view that the petitioner may be directed to offer his explanation to the notice, dated 11.09.1998, treating the same as a show cause notice.

Accordingly, the writ petition is disposed of directing the petitioner to submit his explanation as to why he is not liable to pay the said amount, treating the notice dated 11.09.1998 as a show cause notice, within a period of six weeks from the date of receipt of a copy of this order. On receipt of such explanation, the respondents may

consider the same and pass appropriate orders.

14.03.2007

sh